

AMENDED IN ASSEMBLY SEPTEMBER 11, 2003

AMENDED IN ASSEMBLY SEPTEMBER 9, 2003

AMENDED IN ASSEMBLY SEPTEMBER 3, 2003

AMENDED IN ASSEMBLY JUNE 19, 2003

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 364

**Introduced by Senator Figueroa
(Principal coauthor: Senator Karnette)**

February 19, 2003

An act to amend Sections 144, 473.1, 473.2, 473.3, 2001, 2020, 2099.5, 2153.5, 2220.1, 2531, ~~3010.1~~, ~~3010.1~~, 3014.6, 6732, 6732.3, 6732.4, and 7153.1 of, and to add Chapter 2 (commencing with Section 474) to, and to add a chapter heading to, Division 1.2 of, the Business and Professions Code, to amend Section 94990 of, and to add Sections 94779.1, 94779.3, and 94779.4 to, the Education Code, to amend Section 9148.8 of, to add Article 8.5 (commencing with Section 9148.50) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of, and to repeal Section 9148.10 of, the Government Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to professions and vocations, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 364, as amended, Figueroa. Licensing boards.

(1) Existing law requires specified boards, commissions, and bureaus in the Department of Consumer Affairs to obtain fingerprint

cards from applicants applying for licensure so that they may obtain and receive, at their discretion, criminal history information on the applicant from the Department of Justice and the United States Federal Bureau of Investigation. Effective January 1, 2004, existing law also requires that an applicant for registration as a home improvement salesperson furnish a full set of fingerprints to the Contractors' State License Board.

This bill would add the Contractors' State License Board, the Structural Pest Control Board, and the Bureau of Naturopathic Medicine to this list. The bill would also delay until July 1, 2004, the requirement that an applicant for registration as a home improvement salesperson furnish a full set of fingerprints to the Contractors' State License Board.

(2) Existing law establishes the Joint Sunset Review Committee and requires the committee to hold public hearings and evaluate whether a board or regulatory program has demonstrated a need for its continued existence.

This bill would, commencing in 2003 and every 4 years thereafter, require the committee to hold a hearing and receive testimony from the Director of the Department of Consumer Affairs and the Bureau of Automotive Repair concerning the continued public need of continuing the regulatory program of the bureau.

(3) Existing law provides for the operational review by the Joint Legislative Budget Committee of certain state boards whose members are appointed by the Governor or the Legislature.

This bill would repeal those provisions and would, instead, provide for a review of these boards by the Joint Legislative Sunset Review Committee in a similar manner as that committee currently reviews boards and commissions in the Department of Consumer Affairs. The bill would require the affected boards and entities to prepare and submit an analysis and report to the Joint Legislative Sunset Review Committee not later than 22 months before the board is scheduled to be reviewed.

(4) Existing law provides that the Committee on Rules of either house may direct the Joint Legislative Budget Committee to evaluate the creation of a new state board.

This bill would transfer these duties and responsibilities to the Joint Legislative Sunset Review Committee.

(5) Existing law, the Medical Practice Act, creates the Medical Board of California within the Department of consumer Affairs.



Existing law authorizes the board to employ an executive director. Existing law requires the executive director to appoint a Medical Board of California Enforcement Program Monitor who is required to submit specified reports to the board, the department, and to the Legislature. Under existing law, the act's provision creating the board and authorizing it to employ individuals become inoperative on July 1, 2005, and are repealed on January 1, 2006.

This bill would extend the dates on which the provisions creating the board and authorizing board employees become inoperative and are repealed to July 1, 2006, and January 1, 2007, respectively. The bill would change the reporting dates for the program monitor to submit reports.

(6) Existing law, the Osteopathic Act, establishes the Osteopathic Medical Board of California. Under existing law, the board is authorized to issue an originating or reciprocal osteopathic physician and surgeon's certificate to an applicant who satisfies specified criteria, including successfully completing an oral, clinical, and practical examination administered by the board.

This bill would delete the requirement to complete an oral, clinical, and practical examination as a prerequisite for these types of licensure.

(7) Existing law, the Speech-Language Pathologists and Audiologists Licensure Act, provides for the licensure of speech-language pathologists by the Speech-Language Pathology and Audiology Board. Under existing law, the board becomes inoperative on July 1, 2005.

This bill would extend this board to July 1, 2006.

(8) Existing law, the Professional Engineers Act, provides for licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors. The act prohibits any person other than a licensed professional engineer from using the title "professional engineer" and certain other similar titles, including the branch titles "corrosion engineer," "manufacturing engineer," "quality engineer," and "safety engineer."

This bill would delete the title "manufacturing engineer" from the list of prohibited titles. The bill would authorize persons registered in this branch or completing the examination process for this branch prior to January 1, 2004, to continue to use this branch title. The bill would prohibit the board from administering any examination for this branch title on or after January 1, 2004.



(9) Existing law authorizes the Director of the Employment Development Department to permit the use of information in his or her possession for specified purposes.

This bill would additionally authorize the director to release information to the Division of Investigations in the Department of Consumer Affairs to verify the employment history of an individual for investigative purposes concerning a crime or unlawful act.

(10) Existing law establishes the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs to administer and enforce specified provisions concerning private postsecondary and vocational educational institutions.

This bill would require the bureau to work together with the staff of the Joint Legislative Sunset Review Committee and other specified entities to streamline its provisions regarding private postsecondary and vocational educational institutions and to determine what changes are advisable to improve the effectiveness of the state's regulation of private postsecondary and vocational education. The bill would require the bureau to expand its outreach program for current and prospective students, including high school students, on how best to select schools, how to enter into contracts and student enrollment agreements, as specified, and how to best protect themselves in the postsecondary and vocational education marketplace. The bill would require the bureau to report to the Director of Consumer Affairs and the Joint Legislative Sunset Review Committee by October 1, 2004, on, among other things, the costs of meeting its statutory obligations, the staffing necessary to meet these obligations, and whether the current fee structure allows for collection of revenue sufficient to support necessary staffing. The bill would require the bureau to report to the Legislature, by October 1, 2003, on its progress regarding corrective actions taken to resolve audit deficiencies found in specified audits. The bill would make other related changes.

(11) Existing law provides for the licensing and regulation of the practice of optometry by the State Board of Optometry and authorizes the board to employ an executive officer. The board and the executive officer will be terminated on July 1, 2005.

This bill would extend the termination date of the board and the executive officer to January 1, 2007.

~~(12) This bill would declare that it is to take effect immediately as an urgency statute.~~



Vote: ~~2~~₃—majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 144 of the Business and Professions
2 Code is amended to read:
3 144. (a) Notwithstanding any other provision of law, an
4 agency designated in subdivision (b) shall require an applicant to
5 furnish to the agency a full set of fingerprints for purposes of
6 conducting criminal history record checks. Any agency
7 designated in subdivision (b) may obtain and receive, at its
8 discretion, criminal history information from the Department of
9 Justice and the United States Federal Bureau of Investigation.
10 (b) Subdivision (a) applies to the following boards or
11 committees:
12 (1) California Board of Accountancy.
13 (2) State Athletic Commission.
14 (3) Board of Behavioral Sciences.
15 (4) Court Reporters Board of California.
16 (5) State Board of Guide Dogs for the Blind.
17 (6) California State Board of Pharmacy.
18 (7) Board of Registered Nursing.
19 (8) Veterinary Medical Board.
20 (9) Registered Veterinary Technician Committee.
21 (10) Board of Vocational Nursing and Psychiatric Technicians.
22 (11) Respiratory Care Board of California.
23 (12) Hearing Aid Dispensers Advisory Commission.
24 (13) Physical Therapy Board of California.
25 (14) Physician Assistant Committee of the Medical Board of
26 California.
27 (15) Speech-Language Pathology and Audiology Board.
28 (16) Medical Board of California.
29 (17) State Board of Optometry.
30 (18) Acupuncture Board.
31 (19) Cemetery and Funeral Bureau.
32 (20) Bureau of Security and Investigative Services.
33 (21) Division of Investigation.
34 (22) Board of Psychology.
35 (23) The California Board of Occupational Therapy.

- 1 (24) Structural Pest Control Board.
2 (25) Contractors' State License Board.
3 (26) Bureau of Naturopathic Medicine.
4 (c) The provisions of paragraphs (24) and (25) of subdivision
5 (b) shall become operative on July 1, 2004.
6 SEC. 2. A chapter heading is added to Division 1.2 of the
7 Business and Professions Code, immediately preceding Section
8 473, to read:

9
10 CHAPTER 1. REVIEW OF BOARDS UNDER THE DEPARTMENT OF
11 CONSUMER AFFAIRS
12

13 SEC. 3. Section 473.1 of the Business and Professions Code
14 is amended to read:

15 473.1. This chapter shall apply to all of the following:

16 (a) Every board, as defined in Section 22, that is scheduled to
17 become inoperative and to be repealed on a specified date as
18 provided by the specific act relating to the board.

19 (b) The Bureau for Postsecondary and Vocational Education.
20 For purposes of this chapter, "board" includes the bureau.

21 (c) The Cemetery and Funeral Bureau.

22 SEC. 4. Section 473.2 of the Business and Professions Code
23 is amended to read:

24 473.2. All boards to which this chapter applies shall, with the
25 assistance of the Department of Consumer Affairs, prepare an
26 analysis and submit a report to the Joint Legislative Sunset Review
27 Committee no later than 22 months before that board shall become
28 inoperative. The analysis and report shall include, at a minimum,
29 all of the following:

30 (a) A comprehensive statement of the board's mission, goals,
31 objectives and legal jurisdiction in protecting the health, safety,
32 and welfare of the public.

33 (b) The board's enforcement priorities, complaint and
34 enforcement data, budget expenditures with average- and
35 median-costs per case, and case aging data specific to post and
36 preaccusation cases at the Attorney General's office.

37 (c) The board's fund conditions, sources of revenues, and
38 expenditure categories for the last four fiscal years by program
39 component.

1 (d) The board's description of its licensing process including
2 the time and costs required to implement and administer its
3 licensing examination, ownership of the license examination,
4 relevancy and validity of the licensing examination, and passage
5 rate and areas of examination.

6 (e) The board's initiation of legislative efforts, budget change
7 proposals, and other initiatives it has taken to improve its
8 legislative mandate.

9 SEC. 5. Section 473.3 of the Business and Professions Code
10 is amended to read:

11 473.3. (a) Prior to the termination, continuation, or
12 reestablishment of any board or any of the board's functions, the
13 Joint Legislative Sunset Review Committee shall, during the
14 interim recess preceding the date upon which a board becomes
15 inoperative, hold public hearings to receive testimony from the
16 Director of Consumer Affairs, the board involved, and the public
17 and regulated industry. In that hearing, each board shall have the
18 burden of demonstrating a compelling public need for the
19 continued existence of the board or regulatory program, and that
20 its licensing function is the least restrictive regulation consistent
21 with the public health, safety, and welfare.

22 (b) In addition to subdivision (a), in 2002 and every four years
23 thereafter, the committee, in cooperation with the California
24 Postsecondary Education Commission, shall hold a public hearing
25 to receive testimony from the Director of Consumer Affairs, the
26 Bureau for Private Postsecondary and Vocational Education,
27 private postsecondary educational institutions regulated by the
28 bureau, and students of those institutions. In those hearings, the
29 bureau shall have the burden of demonstrating a compelling public
30 need for the continued existence of the bureau and its regulatory
31 program, and that its function is the least restrictive regulation
32 consistent with the public health, safety, and welfare.

33 (c) The committee, in cooperation with the California
34 Postsecondary Education Commission, shall evaluate and review
35 the effectiveness and efficiency of the Bureau for Private
36 Postsecondary and Vocational Education, based on factors and
37 minimum standards of performance that are specified in Section
38 473.4. The committee shall report its findings and
39 recommendations as specified in Section 473.5. The bureau shall

1 prepare an analysis and submit a report to the committee as
2 specified in Section 473.2.

3 (d) In addition to subdivision (a), in 2003 and every four years
4 thereafter, the committee shall hold a public hearing to receive
5 testimony from the Director of Consumer Affairs and the Bureau
6 of Automotive Repair. In those hearings, the bureau shall have the
7 burden of demonstrating a compelling public need for the
8 continued existence of the bureau and its regulatory program, and
9 that its function is the least restrictive regulation consistent with
10 the public health, safety, and welfare.

11 (e) The committee shall evaluate and review the effectiveness
12 and efficiency of the Bureau of Automotive Repair based on
13 factors and minimum standards of performance that are specified
14 in Section 473.4. The committee shall report its findings and
15 recommendations as specified in Section 473.5. The bureau shall
16 prepare an analysis and submit a report to the committee as
17 specified in Section 473.2.

18 SEC. 6. Chapter 2 (commencing with Section 474) is added
19 to Division 1.2 of the Business and Professions Code, to read:

20
21 CHAPTER 2. REVIEW OF OTHER STATE BOARDS
22

23 474. The Joint Legislative Sunset Review Committee
24 established pursuant to Section 473 shall review all state boards as
25 defined in Section 9148.2 of the Government Code, other than
26 boards subject to review pursuant to Chapter 1 (commencing with
27 Section 473), every four years or over another time period as
28 determined by the committee.

29 474.1. Prior to recommending the termination, continuation,
30 or reestablishment of any board or any of the state board's
31 functions, the Joint Legislative Sunset Review Committee shall
32 hold public hearings to receive testimony from the board involved
33 and the public. In that hearing, each board shall have the burden
34 of demonstrating a compelling public need for the continued
35 existence of the board.

36 474.2. All state boards to which this chapter applies shall
37 prepare an analysis and submit a report to the Joint Legislative
38 Sunset Review Committee not later than 22 months before that
39 state board is scheduled to be reviewed by the committee. The

1 analysis and report shall include, at a minimum, all of the
2 following:

3 (a) A comprehensive statement of the state board's mission,
4 goals, objectives, and legal jurisdiction in protecting the health,
5 safety, and welfare of the public.

6 (b) The board's fund conditions, sources of revenues, and
7 expenditure categories for the last four fiscal years by program
8 component.

9 (c) The board's initiation of legislative efforts, budget change
10 proposals, and other initiatives it has taken to improve its
11 legislative mandate.

12 (d) A complete cost-benefit analysis of the board's operation
13 for each of the four years preceding the date of the report or over
14 a time period specified by the committee.

15 474.3. (a) The Joint Legislative Sunset Review Committee
16 shall evaluate and determine whether a state board as defined in
17 Section 9148.2 of the Government Code, other than a board,
18 subject to review pursuant to Chapter 1 (commencing with Section
19 473), has demonstrated a public need for its continued existence
20 based on, but not limited to, the following factors and minimum
21 standards of performance:

22 (1) Whether the board is necessary to protect the public health,
23 safety, and welfare.

24 (2) Whether the basis or facts that necessitated the initial
25 creation of the state board have changed.

26 (3) If the state board is necessary, whether existing statutes and
27 regulations establish the most effective regulation consistent with
28 the public interest, considering other available regulatory
29 mechanisms, and whether the board rules enhance the public
30 interest and are within the scope of legislative intent.

31 (4) Whether the state board operates and enforces its
32 responsibilities in the public interest and whether its mission is
33 impeded or enhanced by existing statutes, regulations, policies,
34 practices, or any other circumstances, including budgetary,
35 resource, and personnel matters.

36 (5) Whether an analysis of the state board indicates that it
37 performs its statutory duties efficiently and effectively.

38 (6) Whether the composition of the state board adequately
39 represents the public interest and whether it encourages public

1 participation in its decisions rather than participation only by the
2 entities it regulates or advises.

3 (7) Whether the state board and its laws or regulations stimulate
4 or restrict competition, and the extent of the economic impact the
5 board's regulatory practices have on the state's business and
6 technological growth.

7 (8) Whether administrative and statutory changes are
8 necessary to improve the state board operations to enhance the
9 public interest.

10 (b) The Joint Legislative Sunset Review Committee shall
11 consider the appropriateness of eliminating and consolidating
12 responsibilities between state boards.

13 (c) Nothing in this section precludes any state board or, if
14 requested by the Joint Legislative Sunset Review Committee, the
15 Legislative Analyst's Office, from submitting other appropriate
16 information to the Joint Legislative Sunset Review Committee.

17 474.4. The Joint Legislative Sunset Review Committee shall
18 meet to vote on final recommendations. A final report shall be
19 completed by the committee and made available to the public and
20 the Legislature. The report shall include final recommendations of
21 the committee and whether each board or function shall be
22 terminated, or continued, and whether its functions should be
23 revised or consolidated with those of other state boards. If the
24 committee deems it advisable, the report may include proposed
25 bills to carry out its recommendations.

26 SEC. 7. Section 2001 of the Business and Professions Code
27 is amended to read:

28 2001. There is in the Department of Consumer Affairs a
29 Medical Board of California that consists of 21 members, nine of
30 whom shall be public members.

31 The Governor shall appoint 19 members to the board, subject to
32 confirmation by the Senate, seven of whom shall be public
33 members. The Senate Rules Committee and the Speaker of the
34 Assembly shall each appoint a public member, and their initial
35 appointment shall be made to fill, respectively, the first and second
36 public member vacancies that occur on or after January 1, 1983.

37 This section shall become inoperative on July 1, 2006, and, as
38 of January 1, 2007, is repealed, unless a later enacted statute,
39 which becomes effective on or before January 1, 2007, deletes or
40 extends the dates on which it becomes inoperative and is repealed.

1 The repeal of this section renders the board subject to the review
2 required by Division 1.2 (commencing with Section 473).

3 SEC. 8. Section 2020 of the Business and Professions Code
4 is amended to read:

5 2020. The board may employ an executive director exempt
6 from the provisions of the Civil Service Act and may also employ
7 investigators, legal counsel, medical consultants, and other
8 assistance as it may deem necessary to carry into effect this
9 chapter. The board may fix the compensation to be paid for
10 services subject to the provisions of applicable state laws and
11 regulations and may incur other expenses as it may deem
12 necessary. Investigators employed by the board shall be provided
13 special training in investigating medical practice activities.

14 The Attorney General shall act as legal counsel for the board for
15 any judicial and administrative proceedings and his or her services
16 shall be a charge against it.

17 This section shall become inoperative on July 1, 2006, and, as
18 of January 1, 2007, is repealed, unless a later enacted statute,
19 which becomes effective on or before January 1, 2007, deletes or
20 extends the dates on which it becomes inoperative and is repealed.

21 SEC. 9. Section 2099.5 of the Business and Professions Code
22 is amended to read:

23 2099.5. Notwithstanding any other provision of law, an
24 originating license for an osteopathic physician's and surgeon's
25 certificate issued by the Osteopathic Medical Board of California
26 shall require a written examination that is either prepared or
27 selected by the Osteopathic Medical Board of California. The
28 written examination shall include osteopathic principles and
29 practices and all applicable provisions of Article 4 (commencing
30 with Section 2080). An applicant shall successfully complete the
31 written examination, as determined by the board.

32 SEC. 10. Section 2153.5 of the Business and Professions
33 Code is amended to read:

34 2153.5. Notwithstanding any other provisions of law, the
35 Osteopathic Medical Board of California shall issue an osteopathic
36 physician's and surgeon's certificate on reciprocity to an applicant
37 providing he or she meets the following requirements:

38 (a) The applicant holds an unlimited license to engage in the
39 practice of osteopathic medicine in another state whose written
40 licensing examination is recognized and approved by the board to

1 be equivalent in content to that administered in California. For the
2 purposes of this section, the board may recognize and approve as
3 equivalent, along with other examinations, an examination
4 prepared by the Federation of State Medical Boards if an applicant
5 had been licensed in another state as a result of the successful
6 completion, prior to December 31, 1993, of that examination. In
7 lieu of a board recognized and approved state written license
8 examination, the board may require the applicant to successfully
9 complete a special examination in general medicine and
10 osteopathic principles prepared by the National Board of
11 Osteopathic Medical Examiners, or the Osteopathic Medical
12 Board of California. The board may also utilize a special purpose
13 examination prepared by the Federation of State Medical Boards.

14 (b) The board determines that no disciplinary action has been
15 taken against the applicant by any medical licensing authority and
16 that the applicant has not been the subject of adverse judgments or
17 settlements resulting from the practice of medicine that the board
18 determines constitutes evidence of a pattern of negligence or
19 incompetence.

20 SEC. 11. Section 2220.1 of the Business and Professions
21 Code is amended to read:

22 2220.1. (a) (1) The director shall appoint a Medical Board of
23 California Enforcement Program Monitor prior to March 31,
24 2003. The director may retain a person for this position by a
25 personal services contract, the Legislature finding, pursuant to
26 Section 19130 of the Government Code, that this is a new state
27 function.

28 (2) The director shall supervise the enforcement program
29 monitor and may terminate or dismiss him or her from this
30 position.

31 (b) The director shall advertise the availability of this position.
32 The requirements for this position include experience in
33 conducting investigations and familiarity with state laws, rules,
34 and procedures pertaining to the board and with relevant
35 administrative procedures.

36 (c) (1) The enforcement program monitor shall monitor and
37 evaluate the disciplinary system and procedures of the board,
38 making as his or her highest priority the reform and reengineering
39 of the board's enforcement program and operations and the



1 improvement of the overall efficiency of the board's disciplinary
2 system.

3 (2) This monitoring duty shall be performed on a continuing
4 basis for a period not exceeding two years from the date of the
5 enforcement program monitor's appointment and shall include,
6 but not be limited to, improving the quality and consistency of
7 complaint processing and investigation, reducing the timeframes
8 for completing complaint processing and investigation, reducing
9 any complaint backlog, assessing the relative value to the board of
10 various sources of complaints or information available to the
11 board about licensees in identifying licensees who practice
12 substandard care causing serious patient harm, assuring
13 consistency in the application of sanctions or discipline imposed
14 on licensees, and shall include the following areas: the accurate
15 and consistent implementation of the laws and rules affecting
16 discipline, appropriate application of investigation and
17 prosecution priorities, particularly with respect to priority cases,
18 as defined in Section 2220.05, board and Attorney General staff,
19 defense bar, licensee, and patients' concerns regarding
20 disciplinary matters or procedures, and the board's cooperation
21 with other governmental entities charged with enforcing related
22 laws and regulations regarding physicians and surgeons. The
23 enforcement program monitor shall also evaluate the method used
24 by investigators in the regional offices for selecting experts to
25 review cases to determine if the experts are selected on an impartial
26 basis and to recommend methods of improving the selection
27 process. The enforcement program monitor shall also evaluate the
28 effectiveness and efficiency of the board's diversion program and
29 make recommendations regarding the continuation of the program
30 and any changes or reforms required to assure that physicians and
31 surgeons participating in the program are appropriately monitored
32 and the public is protected from physicians and surgeons who are
33 impaired due to alcohol or drug abuse or mental or physical illness.

34 (3) The enforcement program monitor shall exercise no
35 authority over the board's discipline operations or staff; however,
36 the board and its staff shall cooperate with him or her, and the
37 board shall provide data, information, and case files as requested
38 by the enforcement program monitor to perform all of his or her
39 duties.

1 (4) The director shall assist the enforcement program monitor
2 in the performance of his or her duties, and the enforcement
3 program monitor shall have the same investigative authority as the
4 director.

5 (d) The enforcement program monitor shall submit an initial
6 written report of his or her findings and conclusions to the board,
7 the department, and the Legislature no later than September 1,
8 2004, and be available to make oral reports if requested to do so.
9 The initial report shall include an analysis of the sources of
10 information that resulted in each disciplinary action imposed since
11 January 1, 2003, involving priority cases, as defined in Section
12 2220.05. The enforcement program monitor may also provide
13 additional information to either the department or the Legislature
14 at his or her discretion or at the request of either the department or
15 the Legislature. The enforcement program monitor shall make his
16 or her reports available to the public or the media. The
17 enforcement program monitor shall make every effort to provide
18 the board with an opportunity to reply to any facts, findings, issues,
19 or conclusions in his or her reports with which the board may
20 disagree.

21 (e) The board shall reimburse the department for all of the costs
22 associated with the employment of an enforcement program
23 monitor.

24 (f) The enforcement program monitor shall issue a final report
25 prior to September 1, 2005. The final report shall include final
26 findings and conclusions on the topics addressed in the initial
27 report submitted by the monitor pursuant to subdivision (d).

28 (g) This section shall become inoperative on January 1, 2006,
29 and as of January 1, 2006, shall be repealed, unless a later enacted
30 statute, which is enacted before January 1, 2006, deletes or extends
31 the dates on which it becomes inoperative and is repealed.

32 SEC. 12. Section 2531 of the Business and Professions Code
33 is amended to read:

34 2531. There is in the Department of Consumer Affairs a
35 Speech-Language Pathology and Audiology Board in which the
36 enforcement and administration of this chapter is vested. The
37 Speech-Language Pathology and Audiology Board shall consist of
38 nine members, three of whom shall be public members.

39 This section shall become inoperative on July 1, 2006, and, as
40 of January 1, 2007, is repealed, unless a later enacted statute, that

1 becomes effective on or before January 1, 2007, deletes or extends
2 the inoperative and repeal dates.

3 SEC. 13. Section 3010.1 of the Business and Professions
4 Code is amended to read:

5 3010.1. (a) There is in the Department of Consumer Affairs
6 a State Board of Optometry in which the enforcement of this
7 chapter is vested. The board consists of 11 members, five of whom
8 shall be public members.

9 Six members of the board shall constitute a quorum.

10 (b) The board shall, with respect to conducting investigations,
11 inquiries, and disciplinary actions and proceedings, have the
12 authority previously vested in the board as created pursuant to
13 Section 3010. The board may enforce any disciplinary actions
14 undertaken by that board.

15 (c) This section shall remain in effect only until July 1, 2006,
16 and, as of January 1, 2007, is repealed, unless a later enacted
17 statute, that is enacted before January 1, 2007, deletes or extends
18 that date.

19 SEC. 14. Section 3014.6 of the Business and Professions
20 Code is amended to read:

21 3014.6. (a) The board may appoint a person exempt from
22 civil service who shall be designated as an executive officer and
23 who shall exercise the powers and perform the duties delegated by
24 the board and vested in him or her by this chapter.

25 (b) This section shall become inoperative on July 1, 2006, and,
26 as of January 1, 2007, is repealed, unless a later enacted statute,
27 that is enacted before January 1, 2007, deletes or extends the dates
28 on which it becomes inoperative and is repealed.

29 SEC. 15. Section 6732 of the Business and Professions Code
30 is amended to read:

31 6732. It is unlawful for anyone other than a professional
32 engineer licensed under this chapter to stamp or seal any plans,
33 specifications, plats, reports, or other documents with the seal or
34 stamp of a professional engineer, or in any manner, use the title
35 “professional engineer,” “licensed engineer,” “registered
36 engineer,” or “consulting engineer,” or any of the following
37 branch titles: “agricultural engineer,” “chemical engineer,”
38 “civil engineer,” “control system engineer,” “electrical
39 engineer,” “fire protection engineer,” “industrial engineer,”
40 “mechanical engineer,” “metallurgical engineer,” “nuclear

1 engineer,” “petroleum engineer,” or “traffic engineer,” or any
2 combination of these words and phrases or abbreviations thereof
3 unless licensed under this chapter.

4 SEC. 16. Section 6732.3 of the Business and Professions
5 Code is amended to read:

6 6732.3. (a) Any person who has received from the board a
7 registration or license in corrosion, manufacturing, quality, or
8 safety engineering, and who holds a valid registration or license to
9 practice professional engineering under this chapter, may continue
10 to use the branch title of the branch in which the professional
11 engineer is legally registered. A person holding a registration in
12 corrosion, manufacturing, quality, or safety engineering is subject
13 to the registration or license renewal provisions of this chapter.

14 (b) The professional engineer also may continue to use the title
15 of “professional engineer,” “licensed engineer,” “registered
16 engineer,” or “consulting engineer.”

17 SEC. 17. Section 6732.4 of the Business and Professions
18 Code is amended to read:

19 6732.4. (a) Notwithstanding any other provision of law, any
20 person who has applied for registration as a corrosion, quality, or
21 safety engineer, and who has completed the written examination
22 in one or more of these branch titles prior to January 1, 1999, shall
23 be issued a registration in the branch title for which the applicant
24 was examined, provided that he or she has met all other
25 qualifications for registration. The board shall not administer any
26 examination for registration as a corrosion, quality, or safety
27 engineer on or after January 1, 1999.

28 (b) Notwithstanding any other provision of law, any person
29 who has applied for registration as a manufacturing engineer, and
30 who has completed the written examination for this branch title
31 prior to January 1, 2004, shall be issued a registration as a
32 manufacturing engineer, provided that he or she has met all other
33 qualifications for registration. The board shall not administer any
34 examination for registration as a manufacturing engineer on or
35 after January 1, 2004.

36 SEC. 18. Section 7153.1 of the Business and Professions
37 Code is amended to read:

38 7153.1. (a) The home improvement salesperson shall submit
39 to the registrar an application in writing containing the statement

1 that he or she desires the issuance of a registration under the terms
2 of this article.

3 The application shall be made on a form prescribed by the
4 registrar and shall be accompanied by the fee fixed by this chapter.

5 (b) The registrar may refuse to register the applicant under the
6 grounds specified in Section 480.

7 (c) As part of an application for a home improvement
8 salesperson, the board shall require an applicant to furnish a full
9 set of fingerprints for purposes of conducting criminal history
10 record checks. Fingerprints furnished pursuant to this subdivision
11 shall be submitted in an electronic format where readily available.
12 Requests for alternative methods of furnishing fingerprints are
13 subject to the approval of the registrar. The board shall use the
14 fingerprints furnished by an applicant to obtain criminal history
15 information on the applicant from the Department of Justice and
16 the United States Federal Bureau of Investigation, including any
17 subsequent arrest information available. This subdivision shall
18 become operative on July 1, 2004.

19 SEC. 19. Section 94779.1 is added to the Education Code, to
20 read:

21 94779.1. (a) The bureau shall work together with the staff of
22 the Joint Legislative Sunset Review Committee, along with
23 representatives of regulated institutions, the California
24 Postsecondary Education Commission, the California Student Aid
25 Commission, students, and other interested parties to revise this
26 chapter to streamline its provisions and eliminate contradictions,
27 redundancies, ambiguities, conflicting provisions, and
28 unnecessary provisions, including consideration of having
29 accreditation by the United States Department of Education
30 approved regional accrediting bodies replace some of the bureau's
31 approval requirements of degree-granting institutions,
32 educational programs, and instructors. In addition, the bureau, in
33 conjunction with these various entities, shall evaluate the
34 provisions of this chapter to determine what additional changes are
35 advisable to improve the effectiveness of the state's regulation of
36 private postsecondary and vocational education, including, but not
37 limited to, the need to regulate out-of-state postsecondary
38 institutions that offer educational programs to California students
39 via the Internet and the feasibility of that regulation, and the type

1 and timeliness of information required to be provided to the
2 bureau.

3 (b) The bureau shall objectively assess the cost of meeting its
4 statutory obligations, determine the staffing necessary to meet
5 those obligations, determine whether the current fee structure
6 allows for collection of revenue sufficient to support the necessary
7 staffing, and report that information to the Director of Consumer
8 Affairs and the Joint Legislative Sunset Review Committee by
9 October 1, 2004.

10 (c) The bureau shall continue to make additional improvements
11 to its data collection and dissemination systems so that it will
12 provide improved reporting of information regarding the private
13 postsecondary and vocational education sector, and improved
14 monitoring of reports, initial and renewal applications, complaint
15 and enforcement records, and collection of fees among other
16 information necessary to serve the bureau's wide-ranging data
17 management needs effectively.

18 SEC. 20. Section 94779.3 is added to the Education Code, to
19 read:

20 94779.3. (a) The bureau shall establish an expanded outreach
21 program for prospective and current private postsecondary and
22 vocational education students and high school students, to provide
23 them with information on how best to select postsecondary or
24 vocational schools, how to enter into contracts and student
25 enrollment agreements, how to protect themselves in the
26 postsecondary and vocational education marketplace, and how to
27 contact the bureau for assistance if problems arise.

28 (b) Notwithstanding subdivision (a), the bureau may not
29 establish an expanded outreach program pursuant to that
30 subdivision until the occurrence of the following events:

31 (1) The bureau reports to the Director of Consumer Affairs and
32 to the Joint Legislative Sunset Review Committee on its fee
33 structure and revenues pursuant to subdivision (b) of Section
34 94779.1.

35 (2) The Director of Consumer Affairs makes findings after
36 submittal of that report that the bureau has sufficient revenues to
37 meet its current obligations and that the cost of an outreach
38 program will not further jeopardize the bureau's ability to meet
39 those obligations.

40 (3) The director reports those findings to the committee.

1 SEC. 21. Section 94779.4 is added to the Education Code, to
2 read:

3 94779.4. The bureau shall report to the Legislature, no later
4 than October 1, 2003, on its progress in accomplishing the
5 corrective actions necessary to resolve the deficiencies found in
6 the audit performed by the department's Internal Audit Office, and
7 any remaining deficiencies found in the 2000 audit by the Bureau
8 of State Audits. In particular, the bureau shall report on the status
9 and timeliness of its complaint and enforcement, and application
10 and renewal processes and procedures, the condition of the
11 Student Tuition Recovery Fund and the status of any claims
12 thereon, the status and timeliness of its various approval or
13 registration processes, the status and capabilities of its data
14 processing and dissemination system, its outreach efforts to
15 current and prospective private postsecondary and vocational
16 education students, and any recommendations for improvement to
17 its operations, including any recommendations regarding
18 revisions to this chapter.

19 SEC. 22. Section 94990 of the Education Code is amended to
20 read:

21 94990. The bureau is subject to the sunset review process
22 conducted by the Joint Legislative Sunset Review Committee
23 pursuant to Division 1.2 (commencing with Section 473) of the
24 Business and Professions Code. Notwithstanding that this chapter
25 does not specify that it will become inoperative on a specified date,
26 the analyses, reports, public hearings, evaluations, and
27 determinations required to be prepared, conducted, and made
28 pursuant to Division 1.2 (commencing with Section 473) of the
29 Business and Professions Code shall be prepared, conducted, and
30 made in 2002 and every four years thereafter as long as this chapter
31 is operative.

32 SEC. 23. Section 9148.8 of the Government Code is amended
33 to read:

34 9148.8. (a) The Committee on Rules of either house of the
35 Legislature, acting pursuant to a request from the chairperson of
36 the appropriate policy committee, may direct the Joint Legislative
37 Sunset Review Committee to evaluate a plan prepared pursuant to
38 Section 9148.4 or 9148.6.

39 (b) Evaluations prepared by the Joint Legislative Sunset
40 Review Committee pursuant to this section shall be provided to the

1 respective Committee on Rules and the policy and fiscal
2 committees of the Legislature pursuant to rules adopted by each
3 committee for this purpose.

4 SEC. 24. Section 9148.10 of the Government Code is
5 repealed.

6 SEC. 25. Article 8.5 (commencing with Section 9148.50) is
7 added to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
8 Government Code, to read:

9

10 Article 8.5. Legislative Review of State Boards

11

12 9148.50. The Legislature finds and declares all of the
13 following:

14 (a) California's multilevel, complex governmental structure
15 today contains more than 400 categories of administrative or
16 regulatory boards, commissions, committees, councils,
17 associations, and authorities.

18 (b) These administrative or regulatory boards, commissions,
19 committees, councils, associations, and authorities have been
20 established without any method of periodically reviewing their
21 necessity, effectiveness, or utility.

22 (c) As a result, the Legislature and residents of California
23 cannot be assured that existing or proposed administrative or
24 regulatory boards, commissions, committees, councils,
25 associations, and authorities adequately protect the public health,
26 safety, and welfare.

27 9148.51. (a) It is the intent of the Legislature that all existing
28 and proposed state boards be subject to review every four years to
29 evaluate and determine whether each has demonstrated a public
30 need for its continued existence in accordance with enumerated
31 factors and standards as set forth in Chapter 2 (commencing with
32 Section 474) of Division 1.2 of the Business and Professions Code.

33 (b) In the event that any state board becomes inoperative or is
34 repealed in accordance with the act that added this section, any
35 provision of existing law that provides for the appointment of
36 board members and specifies the qualifications and tenure of board
37 members shall not be implemented and shall have no force or
38 effect while that state board is inoperative or repealed.

39 (c) Any provision of law authorizing the appointment of an
40 executive officer by a state board subject to the review described



1 in Chapter 2 (commencing with Section 474) of Division 1.2 of the
2 Business and Professions Code, or prescribing his or her duties,
3 shall not be implemented and shall have no force or effect while
4 the applicable state board is inoperative or repealed.

5 (d) It is the intent of the Legislature that subsequent legislation
6 to extend or repeal the inoperative date for any state board shall be
7 a separate bill for that purpose.

8 9148.52. (a) The Joint Legislative Sunset Review
9 Committee established pursuant to Section 473 of the Business
10 and Professions Code shall review all state boards, as defined in
11 Section 9148.2, other than a board subject to review pursuant to
12 Chapter 1 (commencing with Section 473) of Division 1.2 of the
13 Business and Professions Code, every four years.

14 (b) The committee shall evaluate and make determinations
15 pursuant to Chapter 2 (commencing with Section 474) of Division
16 1.2 of the Business and Professions Code.

17 SEC. 26. Section 1095 of the Unemployment Insurance Code
18 is amended to read:

19 1095. The director shall permit the use of any information in
20 his or her possession to the extent necessary for any of the
21 following purposes and may require reimbursement for all direct
22 costs incurred in providing any and all information specified in this
23 section, except information specified in subdivisions (a) to (e),
24 inclusive:

25 (a) To enable the director or his or her representative to carry
26 out his or her responsibilities under this code.

27 (b) To properly present a claim for benefits.

28 (c) To acquaint a worker or his or her authorized agent with his
29 or her existing or prospective right to benefits.

30 (d) To furnish an employer or his or her authorized agent with
31 information to enable him or her to fully discharge his or her
32 obligations or safeguard his or her rights under this division or
33 Division 3 (commencing with Section 9000).

34 (e) To enable an employer to receive a reduction in contribution
35 rate.

36 (f) To enable federal, state, or local government departments or
37 agencies, subject to federal law, to verify or determine the
38 eligibility or entitlement of an applicant for, or a recipient of,
39 public social services provided pursuant to Division 9
40 (commencing with Section 10000) of the Welfare and Institutions

1 Code, or Part A of Title IV of the Social Security Act, where the
2 verification or determination is directly connected with, and
3 limited to, the administration of public social services.

4 (g) To enable county administrators of general relief or
5 assistance, or their representatives, to determine entitlement to
6 locally provided general relief or assistance, where the
7 determination is directly connected with, and limited to, the
8 administration of general relief or assistance.

9 (h) To enable state or local governmental departments or
10 agencies to seek criminal, civil, or administrative remedies in
11 connection with the unlawful application for, or receipt of, relief
12 provided under Division 9 (commencing with Section 10000) of
13 the Welfare and Institutions Code or to enable the collection of
14 expenditures for medical assistance services pursuant to Part 5
15 (commencing with Section 17000) of Division 9 of the Welfare
16 and Institutions Code.

17 (i) To provide any law enforcement agency with the name,
18 address, telephone number, birth date, social security number,
19 physical description, and names and addresses of present and past
20 employers, of any victim, suspect, missing person, potential
21 witness, or person for whom a felony arrest warrant has been
22 issued, when a request for this information is made by any
23 investigator or peace officer as defined by Sections 830.1 and
24 830.2 of the Penal Code, or by any federal law enforcement officer
25 to whom the Attorney General has delegated authority to enforce
26 federal search warrants, as defined under Sections 60.2 and 60.3
27 of Title 28 of the Code of Federal Regulations, as amended, and
28 when the requesting officer has been designated by the head of the
29 law enforcement agency and requests this information in the
30 course of and as a part of an investigation into the commission of
31 a crime when there is a reasonable suspicion that the crime is a
32 felony and that the information would lead to relevant evidence.
33 The information provided pursuant to this subdivision shall be
34 provided to the extent permitted by federal law and regulations,
35 and to the extent the information is available and accessible within
36 the constraints and configurations of existing department records.
37 Any person who receives any information under this subdivision
38 shall make a written report of the information to the law
39 enforcement agency that employs him or her, for filing under the
40 normal procedures of that agency.

1 (1) This subdivision shall not be construed to authorize the
2 release to any law enforcement agency of a general list identifying
3 individuals applying for or receiving benefits.

4 (2) The department shall maintain records pursuant to this
5 subdivision only for periods required under regulations or statutes
6 enacted for the administration of its programs.

7 (3) This subdivision shall not be construed as limiting the
8 information provided to law enforcement agencies to that
9 pertaining only to applicants for, or recipients of, benefits.

10 (4) The department shall notify all applicants for benefits that
11 release of confidential information from their records will not be
12 protected should there be a felony arrest warrant issued against the
13 applicant or in the event of an investigation by a law enforcement
14 agency into the commission of a felony.

15 (j) To provide public employee retirement systems in
16 California with information relating to the earnings of any person
17 who has applied for or is receiving a disability income, disability
18 allowance, or disability retirement allowance, from a public
19 employee retirement system. The earnings information shall be
20 released only upon written request from the governing board
21 specifying that the person has applied for or is receiving a
22 disability allowance or disability retirement allowance from its
23 retirement system. The request may be made by the chief executive
24 officer of the system or by an employee of the system so authorized
25 and identified by name and title by the chief executive officer in
26 writing.

27 (k) To enable the Division of Labor Standards Enforcement in
28 the Department of Industrial Relations to seek criminal, civil, or
29 administrative remedies in connection with the failure to pay, or
30 the unlawful payment of, wages pursuant to Chapter 1
31 (commencing with Section 200) of Part 1 of Division 2 of, and
32 Chapter 1 (commencing with Section 1720) of Part 7 of Division
33 2 of, the Labor Code.

34 (l) To enable federal, state, or local governmental departments
35 or agencies to administer child support enforcement programs
36 under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et
37 seq.).

38 (m) To provide federal, state, or local governmental
39 departments or agencies with wage and claim information in its
40 possession that will assist those departments and agencies in the

1 administration of the Victims of Crime Program or in the location
2 of victims of crime who, by state mandate or court order, are
3 entitled to restitution that has been or can be recovered.

4 (n) To provide federal, state, or local governmental
5 departments or agencies with information concerning any
6 individuals who are or have been:

7 (1) Directed by state mandate or court order to pay restitution,
8 fines, penalties, assessments, or fees as a result of a violation of
9 law.

10 (2) Delinquent or in default on guaranteed student loans or who
11 owe repayment of funds received through other financial
12 assistance programs administered by those agencies. The
13 information released by the director for the purposes of this
14 paragraph shall not include unemployment insurance benefit
15 information.

16 (o) To provide an authorized governmental agency with any or
17 all relevant information that relates to any specific workers'
18 compensation insurance fraud investigation. The information
19 shall be provided to the extent permitted by federal law and
20 regulations. For the purposes of this subdivision, "authorized
21 governmental agency" means the district attorney of any county,
22 the office of the Attorney General, the Department of Industrial
23 Relations, and the Department of Insurance. An authorized
24 governmental agency may disclose this information to the State
25 Bar, the Medical Board of California, or any other licensing board
26 or department whose licensee is the subject of a workers'
27 compensation insurance fraud investigation. This subdivision
28 shall not prevent any authorized governmental agency from
29 reporting to any board or department the suspected misconduct of
30 any licensee of that body.

31 (p) To enable the Director of the Bureau for Private
32 Postsecondary and Vocational Education, or his or her
33 representatives, to access unemployment insurance quarterly
34 wage data on a case-by-case basis to verify information on school
35 administrators, school staff, and students provided by those
36 schools who are being investigated for possible violations of
37 Chapter 7 (commencing with Section 94700) of Part 59 of the
38 Education Code.

39 (q) To provide employment tax information to the tax officials
40 of Mexico, if a reciprocal agreement exists. For purposes of this

subdivision, “reciprocal agreement” means a formal agreement to exchange information between national taxing officials of Mexico and taxing authorities of the State Board of Equalization, the Franchise Tax Board, and the Employment Development Department. Furthermore, the reciprocal agreement shall be limited to the exchange of information that is essential for tax administration purposes only. Taxing authorities of the State of California shall be granted tax information only on California residents. Taxing authorities of Mexico shall be granted tax information only on Mexican nationals.

(r) To enable city and county planning agencies to develop economic forecasts for planning purposes. The information shall be limited to businesses within the jurisdiction of the city or county whose planning agency is requesting the information, and shall not include information regarding individual employees.

(s) To provide the State Department of Developmental Services with wage and employer information that will assist in the collection of moneys owed by the recipient, parent, or any other legally liable individual for services and supports provided pursuant to Chapter 9 (commencing with Section 4775) of Division 4.5 of, and Chapter 2 (commencing with Section 7200) and Chapter 3 (commencing with Section 7500) of Division 7 of, the Welfare and Institutions Code.

(t) Nothing in this section shall be construed to authorize or permit the use of information obtained in the administration of this code by any private collection agency.

(u) The disclosure of the name and address of an individual or business entity that was issued an assessment that included penalties under Section 1128 or 1128.1 shall not be in violation of Section 1094 if the assessment is final. The disclosure may also include any of the following:

(1) The total amount of the assessment.

(2) The amount of the penalty imposed under Section 1128 or 1128.1 that is included in the assessment.

(3) The facts that resulted in the charging of the penalty under Section 1128 or 1128.1.

(v) To enable the Contractors’ State License Board to verify the employment history of an individual applying for licensure pursuant to Section 7068 of the Business and Professions Code.

(w) To provide any peace officer with the Division of Investigation in the Department of Consumer Affairs information pursuant to subdivision (i) when the requesting peace officer has been designated by the Chief of the Division of Investigations and requests this information in the course of and in part of an investigation into the commission of a crime or other unlawful act when there is reasonable suspicion to believe that the crime or act may be connected to the information requested and would lead to relevant information regarding the crime or unlawful act.

~~SEC. 27. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:~~

~~In order to protect the public health and safety, it is necessary that these changes affecting various licensing boards take effect immediately.~~

